

RESOLUTION NO. 600

This Resolution was adopted October 7, 1929

Protest against the pollution of Mokelumne River by a
dredger near Lancha Plana

NO COPY ON FILE

Minutes Excerpt

On motion of Councilman Weihe, Roach second, Mr J.G.Hurrie was appointed water inspector at a salary of \$150.00 per month for one month.

City Attorney Glenn West stated that Mr Stephen E. Kieffer was no more interested in the Arroyo Seco project and that his name should be dropped as defendant from suits of the City versus certain appropriative applicants on the Mokelumne River. He was authorized and directed to dismiss suits against Mr Kieffer by adoption of the following:-

RESOLUTION NO. 598

WHEREAS, the City of Lodi has brought and there is now pending in action in the Superior Court of the State of California in and for the County of San Joaquin, against East Bay Municipal Utility District, a corporation, and others, which action is numbered 22,415; and,

WHEREAS, Mr Stephen E. Kieffer is a party defendant in said action; and,

WHEREAS, it appears that applications of said Stephen E. Kieffer filed with California Division of Water rights to divert waters from the Mokelumne River have been dismissed and it does not appear that there is any further necessity of continuing said action as against said Kieffer;

NOW THEREFORE, BE IT HEREBY RESOLVED, that Glenn West as City Attorney, and Robert M. Searls, as special counsel associated with said City Attorney in the prosecution of said action be, and they are hereby authorized to cause said action to be dismissed and to dismiss the same, as far as said defendant, Stephen E. Kieffer is concerned and not otherwise.

and by the adoption of the following:-

RESOLUTION NO. 599

WHEREAS, the City of Lodi has brought and there is now pending an action in the Superior Court of the State of California, in and for the County of Calaveras against East Bay Municipal Utility District, a corporation and others;

AND WHEREAS, one Stephen E. Kieffer is a party defendant in said action and whereas it appears that applications of said Stephen E. Kieffer filed with California Division of Water Rights, to divert waters from the Mokelumne River have been dismissed, and it does not appear that there is any further necessity of continuing said action as against said Kieffer;

NOW THEREFORE, BE IT RESOLVED, that Glenn West as City Attorney and Robert M. Searls as special counsel associated with said City Attorney in the prosecution of said action, be and they are hereby authorized to cause said action to be dismissed and to dismiss the same as far as said defendant Stephen E. Kieffer is concerned and not otherwise.

The foregoing Resolutions numbered 598 and 599 were thereupon adopted by the following vote:-

AYES: Councilmen, Shattuck, Weihe, Hale, Roach & Spooner.

NOES: Councilmen, None. ABSENT: None.

It having been brought to the attention of the City Council that the activities of certain persons operating a gold dredger near the old town-site of Lancha Plana were causing great amounts of silt and other detritus to be discharged into the Mokelumne River whereby its waters were polluted and made unfit for use as well as unsightly and that the local Chamber of Commerce had made protest against these evil practices without notable effect, the following resolution was introduced and adopted by unanimous vote of the City Council:-

RESOLUTION NO. 600

BE IT RESOLVED, that, Whereas a certain company or parties are operating a dredger on or near the Mokelumne River at the old town of Lancha Plana and are dumping the refuse and debris from the same into the Mokelumne River, and, whereas, by reason of the premises the waters of the Mokelumne River are badly polluted from silt, mud and debris from said dredger ;

AND, WHEREAS, it appears that the pollution of said stream is causing great damage to alfalfa and other crops irrigated by the waters of said stream; and whereas the continuation of said practice may seal the percolating channels of said river and thereby cause great and irreparable damage and materially affect the underground water table in the City of Lodi and vicinity;

RESOLVED, that the City of Lodi hereby protests against the continuance of said practices, pollution of said river and against the dumping of any debris, silt or refuse of any kind in any stream;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the California Fish & Game Commission, California Board of Public Works, The Debris Commission and to California State Reclamation Service with request that the proper steps be taken to stop said practice of polluting the waters of said stream;

BE IT FURTHER RESOLVED, that the Lodi District Chamber of Commerce be commended for the stand it has taken in the above matter; that said Lodi District Chamber of Commerce be urged to continue its activities to the end that the pollution of said stream be stopped and that a copy of this Resolution be sent to Lodi District Chamber of Commerce.

Adopted by the assenting votes of Councilmen Roach, Shattuck, Hal, Weihe and Spooner.

An ordinance proposing the licensing of dealers in ice, feeds and fuels was discussed but not introduced, the same being laid over for further investigation.

The City Attorney reported the receipt, through Mr Robert M. Searls, of a letter from Mr Paul Bailey, Civil Engineer, lately with the California State Division of Water Rights, offering his expert services in the determining of the effect of waters of the Mokelumne River on percolating waters supplying this City. Mr Bailey was retained as consulting engineer by the passage of

RESOLUTION NO. 601

WHEREAS, the City of Lodi has commenced an action in the Superior Court of the State of California in and for the County of San Joaquin against East Bay Municipal Utility District and others for the purpose of restraining defendants therein named from diverting waters from the Mokelumne River and for the purpose of protecting the underground water supply of said City;

AND WHEREAS, the City Council of the City of Lodi has received a letter from Paul Bailey, Civil Engineer, a copy of which letter is hereunto affixed, marked EXHIBIT A and made part hereof;

AND WHEREAS, it is the desire of said City Council to employ said Paul Bailey as one of its engineers for the purpose of making a study of the underground water conditions in said City of Lodi and vicinity and for the purpose of furnishing the necessary report or reports and evidence as referred to in said letter;

NOW THEREFORE, BE IT RESOLVED, that said City of Lodi does hereby employ said Paul Bailey, pursuant to the terms and conditions set out in said letter as one of its engineers for the purpose of studying underground water conditions and all available data and for the purpose of making report or reports and furnishing the evidence set out and contemplated in said letter;

BE IT FURTHER RESOLVED, that the said Paul Bailey is hereby authorized on behalf of said City to collect and analyze the information which has heretofore been collected, and determine the extent of new field work which will be required as mentioned and contemplated in items "1" and "2" on page one of said letter.

BE IT FURTHER RESOLVED, that said City pay said Paul Bailey for making such study of existing data and preliminary report the sum of \$ 500.00 and that the same be paid out of any moneys in the Treasury of the City which may be available for that purpose, the sum of \$ 250.00 thereof to be paid forthwith as a retainer and the balance, to-wit, the sum of \$ 250.00 upon the presentation of said preliminary report.

BE IT FURTHER RESOLVED, that the Mayor of this City is hereby ordered to draw a warrant upon the Treasury of said City for the first payment of \$250.00 and that the same be paid out of any moneys available for that purpose;